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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,324	11/26/2003	Lingan Satkunanathan	MS302986.01	9466
27195 7590 07/29/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER AUGUSTIN, EVENS J	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 07/29/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/723,324	<b>Applicant(s)</b> SATKUNANATHAN ET AL.	
	<b>Examiner</b> Evens J. Augustin	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-18, 20-33 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18, 20-33 and 35-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the RCE filed on 23 June 2008. After further consideration and a comprehensive search, it has been found that the prior art still applies. Claims 1-4, 6-18, 20-33 and 35-43 are pending in the letter.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-4, 6-18, 20-33 and 35-43 are rejected under 35 U.S.C. 102(e) as being unpatentable over Christiano (U.S 5,671,412), in view of Rivera et al.(US 6056786).
4. As per claims 1-4, 6-18, 20-33 and 35-43, Christiano discloses a license management system comprising of:
  - A. Determining/monitoring the number of licenses currently in use (column 7, lines 1-45) – *Claims 1, 29*,
  - B. Taking/initiating corrective actions if the number of licenses in use exceeds the number of licenses allowed (column 7, lines 47-67) – *Claims 1, 29*
  - C. The license server keeps track of how many licenses are currently checked out and thus can quickly determine if the maximum number of licenses for a program are in

- use (column 7, lines 9-12) and take corrective actions (column 7, lines 47-67) - *Claim 11*
- D. Corrective action includes a warning (column 7, lines 60-61) – *Claims 2, 37*
- E. Correction action also includes quitting and not allowing the program to be activated (column 7, lines 65-66), therefore denying users access to the application – *Claims 3, 38*
- F. License server (license store), and a license database that houses license data (column 3, lines 63-64, column 4, lines 11-13) – *Claim 4*
- G. A diagnostic function that mitigates various license problems (column 3, lines 18-19) – *Claim 8*
- H. Christiano's invention teaches a "fail safe" mechanism that may allow a license not to be denied (bypass) (column 4, lines 24-26) when the license has been tampered with/corrupted (column 19, lines 19- 21, column 20, lines 21-22, column 18, lines 24-35). A "fail safe" (bypass) mechanism may check a range of server IP addresses to find an network address within a specified range, that can deliver another copy of the licensed program to the client (column 26, lines 9-44). It is well known that each network address represents the location of a computer on a network. Therefore, each server on a particular address range represents a "backup store" for the licensed program/data – *Claims 6-9, 35*
- I. If the fail safe mechanism cannot be implemented and there's a violation, the system can quit/shutdown the program (column 7, lines 63-67)- *Claims 10-11, 17, 38*

- J. In order for program/license to be “checked out”, certain information such as user name, host name of client computer system is obtained (log in) (column 4, lines 66-67) – *Claims 12 and 13*
- K. A diagnostic function which can run and be initiated anytime the user is operating the client computer (column 21, lines 25-28), and can diagnose any program normally available on the client’s computer (column 25, lines 15-17) – *Claim 14*
- L. Corrective action includes a warning (column 7, lines 60-61) – *Claim 15*
- M. Correction action also includes quitting and not allowing the program to be activated (column 7, lines 65-66) – *Claim 16*
- N. License server (store), and a license database to house license data (column 3, lines 63-64, column 4, lines 11-13) – *Claim 18*
- O. Verifying the validity of license data (column 27, lines 66-67)
- P. License server/store receiving license request (column 4, line 15), keeping track of licenses being used and taking corrective action is licensing agreement is being violated (column 7, lines 47-67) - *Claim 20*
- Q. Information such as “check out” license and activation data can be logged/saved by the system (column 18, lines 57-lines). It is inherent that a software program has to be installed before being used - *Claims 21, 40*
- R. License data includes the number of licenses available for a particular program (column 14, line 65) – *Claim 22*
- S. Christiano teaches a license management system in which license is granted, based on how much time has elapsed since the licensed program has been in operation (column

- 7, lines 20-30). In order to establish how much time has elapsed, a beginning time (issue date) is necessary – *Claim 23*
- T. Christiano teaches assigning a unique identifier to a hardware (column 1, lines 28-29), and assigning a unique key to each license (column 7, lines 21-22, lines 65-67) – *Claim 24*
- U. The license is denied to the client when the client when the client violates the licensing policy (column 4, lines 20-24). Christiano’s invention teaches a “fail safe” mechanism that allows licenses not to be denied (bypass) (column 4, lines 24-26). Therefore, licenses can be “checked out” when there are no licenses available (column 17, lines 17-21) – *Claim 25*
- V. Bypass mechanism checking a range of IP addresses when failures occur to find an IP address within the specified range that can deliver the licensed program to the client (column 26, lines 9-44) – *Claim 26*
- W. Client computer having display interface to output data (column 6, line 17, column 25, line 46) – *Claims 27,28*
- X. Comparing the number of licenses currently in use plus requested against the number of licenses to be used concurrently (column 19, lines 65-67) – *Claims 30, 31, 33*
- Y. If the number of licenses currently being used plus requested is greater than the number of licenses available, than there may be a violation (column 20, lines 1-13) – *Claim 32*
- Z. License data can be encrypted (column 10, lines 48-49) – *Claim 36*

- AA. Computer readable medium, carrying instructions for license management system  
(column 6, lines 19-59) – *Claims 39 and 43*
- BB. Transmitting a license request including information such as client computer  
identifier (column 21, line 42) and identification information for licensed product  
(column 10, lines 44-45, column 16, line 30) to a license database. A status message  
to allow for activation is sent from the license server to the client computer (column  
21, lines 47-67) – *Claim 41*
- CC. License data includes the number of licenses available for a particular program  
(column 14, line 65) – *Claim 42*
5. Christiano did not explicitly describe a method/system in which licenses compliance is being  
checked at a regular time interval. However, Rivera et al. describes an invention that relates  
to a technique for determining whether the number of users or client computers transacting  
with a server program exceeds the number of licenses issued for the users or client  
computers. According to Rivera et al., the invention checks for license compliance by  
performing an audit of the system (col. 3, ll. 53-61). Per Rivera et al., the system not only  
designates a time period for checking for license conformance (a time period between 9:15  
a.m. and 4:30 p.m. on Jun. 25, 1997), it also establishes a specific regular time interval (every  
fifteen-minute interval) (col. 7, ll. 9-12) in which the license check should take place.
6. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the  
applicant's invention to construct a system that would employ a method/system in which  
licenses are being checked at a regular time interval. It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to implement a method/system in which licenses are being checked at a regular time interval because it provide license administrators with greater flexibility in establishing a time period to ensure that customers comply with the terms of product licenses.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVENS J. AUGUSTIN whose telephone number is 571-272-6860. The examiner can normally be reached on 10am - 6pm M-F.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571)272-6779.

/Evens J. Augustin/  
July 26, 2008  
Art Unit 3621